



**BOARD OF ADJUSTMENT  
MARICOPA COUNTY**  
Board of Supervisors' Auditorium  
205 W. Jefferson Street  
Phoenix, Arizona

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**AGENDA**  
**Thursday, November 10, 2016**

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This meeting has been noticed in accordance with the Open Meeting Law (ARS §38-431).

All items on this agenda are for Board action unless otherwise noted. The Board may break for lunch at its discretion during this agenda. These items will be heard at the next available Board hearing if this hearing is cancelled or a quorum is lost.

Agendas are available within 24 hours of each meeting in the Maricopa County Planning & Development Office, 501 N. 44th St., 2nd Fl., Phoenix Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Auxiliary aids and services are available upon request to individuals with disabilities upon 72 hours advance notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. If you require accommodations in order to participate in any forthcoming meeting or hearing, please contact Darren Gerard at [darrengerard@mail.maricopa.gov](mailto:darrengerard@mail.maricopa.gov) or 602-506-3301. TDD is available at 602-506-7140.

The staff reports prepared for each agenda item shall become a part of the permanent record for each case acted on at the Board meeting. Any material submitted as part of the record for a case will not be returned.

Public demonstrations of any kind by principals, witnesses, or spectators at any hearing before this Board, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room by order of the Chairman.

Every witness shall fill out speaker's card and shall be limited up to a maximum of 10 minutes. Rebuttal by the applicant shall be limited up to a maximum of 5 minutes.

The Board of Adjustment is established, governed and limited by the provision of ARS §11-816. All Actions by the Board of Adjustment are final unless an appeal is filed with Superior Court within thirty (30) days of the Board's decision.

Results of the Board's action shall be available for the purpose of obtaining zoning clearances 24 hours after completion of the Board hearing.

Continuance Agenda: Items listed on the Continuance Agenda are items that are recommended for continuance by staff with concurrence from the applicant. These items will not have a hearing at this time, but shall be moved for continuance either indefinitely or to a date-certain. Those items that are continued indefinitely will require new notification.

Consent Agenda: Items listed on the Consent Agenda are considered routine by the Board and may be enacted in one motion. Any item on the Consent Agenda may be removed from the Consent Agenda and placed on the Regular Agenda for public hearing if a Board member or a citizen so desires.

Code Compliance Review: Staff will present the appeal from the decision of a Hearing Officer to the Board. After any questions from the Board, the appellant will be permitted to present the basis for the appeal. On an appeal the Board is limited to affirming the decision of the hearing officer or remanding the matter due to a procedural error. Therefore, the presentation by the appellant should be limited to demonstrating a procedural error that warrants a remand for a new or supplemental hearing before the hearing officer.

Regular Agenda: Items listed on the Regular Agenda are items that receive a full hearing. Staff will give a brief presentation and after question from the Board, the applicant will be permitted to present the merits of their case. The applicant's justification should demonstrate that owing to peculiar conditions relating to the subject property, a strict interpretation of the ordinance would work an unnecessary hardship, and that granting of the variance would not damage the intent and purpose of the zoning ordinance.

**Call To Order:** 10:00 a.m.

**Roll Call:** Board of Adjustment Members

**Announcements:** The Chair shall make the normal meeting announcements.

**Approval of Minutes:** September 15, 2016

**Continuance Agenda:** None

**Consent Agenda:**

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|-------------------------|---|
| <b>1. BA2016028</b>     | <b>Alta West Homes Property (Cont. from 10/13/16) District 3</b>  |
| Applicant:              | Jenny Vitale for Alta West Homes, LLC   |
| Location:               | 211 E. Paint Your Wagon Trail – Cave Creek Road and Paint Your Wagon Trail in the Cave Creek area   |
| Zoning:                 | Rural-43  |
| Request:                | Variance to permit:   |
|                         | 1) Hillside disturbance of 2,873 square feet outside the lot's buildable area where hillside disturbance is prohibited outside the lot's buildable area |
| Recommendation:         | Request <b>meets</b> the statutory tests required for the granting of a variance.   |
| Presented by:           | Glenn Bak   |
| <br><b>2. BA2016040</b> | <br><b>Green Property District 3</b>  |
| Applicant:              | Bryan Green   |

Location: 44415 N. 2<sup>nd</sup> Avenue – New River Road and Circle Mountain Road in the New River area

Zoning: Rural-43

Request: Variance to permit:

1) A proposed swimming pool within the required front yard where not allowed

Recommendation: Request **meets** the statutory tests required for the granting of a variance.

Presented by: Glenn Bak

### **Code Compliance Review:**

<b>3.</b>	<b>V201500715</b>	<b>Code Compliance Review</b>	<b>District 2</b>
	Respondent:	Nathan and Tiffany Lopriore	
	Location:	15820 E. Cave Dale Dr. Scottsdale 85262 (Parcel 219-37-054)	
	Request:	Appeal of a Hearing Officer's Order of Judgment	
	Recommendation:	<b>Affirm</b> the Hearing Officer's Order of Judgment	
	Presented by:	Charles Hart	

### **Regular Agenda:**

<b>4.</b>	<b>BA2016021</b>	<b>Ehli Property (Cont. from 10/13/16)</b>	<b>District 2</b>
	Applicant:	Steve Fuller	
	Location:	44019 N. Cottonwood Canyon Rd. – in the Cave Creek area	
	Zoning:	Rural-190	
	Requests:	Variance to permit:	
		1) Proposed hillside disturbance of 80,020.4 sq. ft. where 75,000 sq. ft. is the maximum permitted and;	
		2) Proposed residence height of 35' where 30' is the maximum permitted.	
	Recommendation:	Requests <b>does not meet</b> the statutory tests required for the granting of a variance.	
	Presented by:	Eric R. Smith	
<b>5.</b>	<b>BA2016035</b>	<b>Glover Property</b>	<b>District 4</b>
	Property Owner:	Jo & Stephen Glover	
	Location:	2945 W. Sousa Dr. – Memorial Drive & Glory Drive in the Anthem area	
	Zoning:	R1-10 NUPD	
	Request:	Variance to permit:	
		1) An existing uncovered stairs to setback 6'-10" from the street side (west property line) where 7' is the NUPD standard per Z2000098 and uncovered stairs may project a distance of 6' in the required front or rear yard	
	Recommendation:	Request <b>does not meet</b> the statutory tests required for the granting of a variance.	
	Presented by:	Eric R. Smith	

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| 6. | <b>BA2016036</b><br>Applicant:<br>Location:<br><br>Zoning:<br>Request:<br><br>Recommendation:<br><br>Presented by: | <p style="text-align: right;"><b>District 4</b></p> <p><b>Rubens Property</b><br/>Andrew Baird<br/>55416 N. Vulture Mine Road – southwest of Gold Nugget Lane and Vulture Mine Road in the Wickenburg area.<br/>Rural-43<br/>Variance to permit:<br/>1) An existing garage to setback 15.96 feet from the street side (west) property line where 20 feet is the minimum required<br/>Request <b>does not meet</b> the statutory tests required for the granting of a variance.<br/>Glenn Bak</p>  |
| 7. | <b>BA2016038</b><br>Applicant:<br>Location:<br><br>Zoning:<br>Requests:  | <p style="text-align: right;"><b>District 4</b></p> <p><b>99<sup>th</sup> &amp; Grand Properties</b><br/>Bootz Duke Sign Co.<br/>9902 W. Santa Fe Drive – 99<sup>th</sup> Avenue and Grand Avenue in the Sun City area<br/>C-3<br/>Variance to permit:<br/>1) A proposed freestanding sign with height of 20' where 12' is the maximum permitted and;<br/>2) A proposed freestanding sign located 180' from residential zoning district where 200' is the minimum required and;<br/>3) A proposed freestanding sign to be oriented to Grande Avenue (US 60) where signs shall be oriented to the business street frontage or to common use parking lots, courtyards, or pedestrian ways on which the business fronts on takes access<br/>Requests <b>does not meet</b> the statutory tests required for the granting of a variance.<br/>Eric R. Smith</p> |
| 8. | <b>BA2016039</b><br>Applicant:<br>Location:<br><br>Zoning:<br>Request:   | <p style="text-align: right;"><b>District 4</b></p> <p><b>Lewis Property</b><br/>Gary Venezia<br/>8434 W. Camino De Oro – Pinnacle Peak Road and 83<sup>rd</sup> Avenue in the Peoria area<br/>Rural-43<br/>Variance to permit:<br/>1) A proposed addition to an existing single-family residence to setback 27 feet from the side (east) property line where 30 feet is the minimum required.<br/>Request <b>does not meet</b> the statutory tests required for the granting of a variance.<br/>Glenn Bak</p>  |

**Other Matters:** None

**Adjournment:** The Chair shall adjourn the meeting.